

Commission on Self-Represented Litigants  
Minutes  
May 18, 2005, 1:30-3:00 p.m.

Members present:

Judy Meadows  
Russ Fagg  
Tara Veazey  
Michelle Snowberger  
Neil Haight  
Peg Allison (joined meeting in progress)  
Ann Gilkey (joined meeting in progress)

Non-members present:

Tammy Hinderman (appointed secretary for this meeting)

Next meeting:

June 16th, 11:30-1:00  
Judge Fagg's courtroom, Billings, MT

Minutes:

A proposal was made to have a different person take minutes for each meeting; no formal vote taken but those present agreed; Tammy Hinderman was asked to record minutes for today's meeting

- A. Equal Justice Conference
  - 1. June 17th in Billings at the Mansfield Center
  - 2. Commission members should try to attend
  - 3. Meeting for "entities" related to the equal justice community, including the Commission, to take place on June 16th from 1:00-4:00 in the City Court conference room.
  - 4. Judge Fagg will host the Commission for a lunchtime meeting in his courtroom prior to the afternoon meeting on the 16th -- lunch from 11:30-1:00.
  - 5. Veazey will distribute additional information about the Conference on the listserv
- B. Clerk Training
  - 1. Meadows: Has agreed to provide a 1-hour training session during the Clerk's conference in Scobey on June 22nd on Legal Advice v. Legal Information and Basic Legal Research; agreed to do the former on behalf of Commission.
  - 2. Judge Snowberger: Judge Knisely will host a clerk training in Billings on June 28<sup>th</sup>.
    - a. 4-hr training including role playing and hands-on work
    - b. Discussion re: whether the Commission should approve the curriculum before the training session?

- no approval necessary, but Commission members would like to review it beforehand if possible, make suggestions
    - d. Invitations to go to all court clerks and staff within a 200-mile radius of Billings
      - should include more staff than the annual conference which is usually limited to the elected Clerks of Court and not deputies
    - e. Also will send out a letter to all judges to let them know about the training in hopes they will encourage staff to attend
    - f. Mike Nash volunteered to help with training session (via listserv)
    - g. Judge Fagg will attempt to provide introductory remarks if his schedule allows
    - h. Judge Snowberger to speak to Judge Knisely re: videotaping the training
  - 3. WebEx training
    - a. Meadows and Tammy Hinderman to attend training next week on using WebEx for distance training, including the creation of clerk training materials
    - b. suggestion that videotaping the clerk training in Billings might dovetail with WebEx project in future
- C. Action Item: Chart Regarding What Clerks CAN and CANNOT Do
- 1. No suggestions were offered
  - 2. **MOTION:** Haight moved to approve the chart; Judge Fagg seconded the Motion; **MOTION CARRIES BY UNANIMOUS VOTE: Clerk Chart APPROVED as proposed**
- D. Action Item: Clerk Manual
- 1. Amendment proposed: remove the following sentence from page 4, section 4: ~~However, you cannot apply these timelines to an individual case.~~
  - 2. Amendment proposed: add to page 2, last full paragraph, at the very end, a rationale of the prohibition against legal advice
  - 3. Amendment proposed: add to page 5, section 10, as a new second sentence: *If a court user does not know the technical name of the form, you can still provide the proper form is you can determine what form the user needs from the information provided.*
  - 4. Amendment proposed: attach legal resource guide (see below) and refer to it on page 3, section 1, at the end of the last full sentence.
  - 5. **MOTION:** Haight moved to approve the manual with amendments 1, 3, and 4; amendment 2 to be addressed at a later revision of the manual; Veazey seconded motion; **MOTION CARRIES BY UNANIMOUS VOTE: Clerk Manual APPROVED WITH AMENDMENTS 1, 3, and 4**
  - 6. Veazey suggested other documents to include with the Clerk Manual for the upcoming trainings
    - a. MTLA brochures and order form for brochures
    - b. Sample disclaimer

--prompted by discussion with Clerk of Court from Lewistown, Phyllis, who asked County Attorney to draft a disclaimer to have court users sign that acknowledges they are not receiving legal advice, there is no confidentiality, etc.

--encourages clerks to push the boundaries and to lean more towards giving information than refusing it

- c. Copy of Chart Re: What Clerks CAN and CANNOT Do
- d. Flyer regarding [www.MontanaLawHelp.org](http://www.MontanaLawHelp.org)
- e. Flyer regarding State Law Library services

E. Action Item: Divorce Flowchart

1. Discussion regarding the necessity of including summary dissolution information in the flowchart
  - a. some concern that it overemphasizes summary dissolution when it cannot be used very frequently
  - b. however, some courts are using it more often than thought (perhaps because the clerks in those courts shepherd people through the system more and find the people who do qualify?)
  - c. Next meeting: ask Pam Bucy, AAG in charge of summary dissolution forms, to discuss summary dissolution process/forms
    - Note: this meeting is scheduled in Billings
2. Discussion of format – need to separate summary dissolution from other areas? Add definitions of summary dissolution/joint petition/solo petition?
3. **MOTION:** Haight moved to approve the flowchart in current format, subject to non-substantive changes in wording and formatting to be made later; Judge Fagg seconds the motion

**MOTION CARRIES BY UNANIMOUS VOTE: Divorce Flowchart APPROVED as proposed, with leave to make non-substantive wording/format changes**

F. Action Item: Motion Packet

1. Recap:
  - a. Motion/Response/Reply forms themselves were previously approved by the Commission as to substance, but the formatting of those and future forms should be made uniform – Judge Snowberger, Kate Bladow, Veazey, and Tammy Hinderman were to discuss. No decisions on formatting have been made to date.
  - b. About Motions instruction sheet was not approved. Questions had been raised about the calculation of deadlines for filing response/reply.
  - c. Discussion: when adding 3 days for mailing, do you include Saturdays, Sundays and holidays?
    - Veazey to check the rule and report to Tammy Hinderman
  - d. Discussion: do the instructions accurately reflect the rules in CLJ? Tammy Hinderman explains the forms were designed to generally comply with the rules for district courts and that she did not consult CLJ rules when drafting them

--Tammy Hinderman to review the forms/instructions to see if they comply with CLJ rules and, if not, to revise the forms for those courts

- e. **MOTION:** Haight moved to approve the About Motions instruction sheet with respect to use in district courts with the caveat that the language regarding the mailbox rule may be subject to change if further research reveals it is incorrect; Veazey seconds the motion

**MOTION CARRIES BY UNANIMOUS VOTE: About Motions instruction sheet APPROVED with respect to district courts with the mailbox rule language to be confirmed later**

G. Status of Name Change/Modification of Parenting Plan/Emancipation/Guardianship Forms: Veazey

1. Veazey, Kate Bladow, and Tammy Hinderman to consult on uniform formatting issues before these new forms are presented for approval
2. Meadows: one of the goals of the Commission was to have 1 set of forms for the whole State of Montana that are vetted by a single group, the Commission
4. Discussion: need for more strategic planning/longer discussion of the following:
  - a. priorities, both in terms of forms and other activities the Commission wants to take part in
  - b. need to involve other parties in the form approval process (the Bar, other judges, other clerks beyond the Commission)
  - c. need to create a formalized process for approving forms
  - d. education for the Commission members on what other states/courts are doing regarding pro se issues
5. Pro Se Commission retreat to be held in September at Belgrade City Court
  - a. tentative date: Wednesday, September 28th
  - b. use listserv to finalize date

H. Montana Legal Resources Brochure: Veazey

1. started as a list of resources put together by Marie Connelly at Montana State Bar; edited for use in Montana Library Association presentation by Veazey and Tammy Hinderman; reformatted into brochure
2. Discussion: easier to use if arranged by subject? Probably not because it is a short list and some of the resources cover multiple topics
3. Commission need not approve brochure

I. Commission Website: Meadows

1. Judiciary's website is up and running, [www.courts.mt.gov](http://www.courts.mt.gov)
2. Supreme Court's site has a link to Commissions – there is a table of all commissions with links to their subsites
3. Currently, this Commission's website has a link to a list of members
4. Eventually will have the following
  - a. Agendas for upcoming meetings
  - b. Minutes of previous meetings
  - c. Approved forms
  - d. Forms pending approval

- e. Option to provide feedback on the forms
- f. List of resources for Commission members

J. [www.LegalZoom.com](http://www.LegalZoom.com) Update: Meadows

- 1. Not much has happened recently on the litigation front
- 2. Pro Bono attorney is waiting to hear from Cort Jenson before proceeding
- 3. Dissolution forms have been copyrighted – will allow Commission to collect statutory damages for future violations
  - a. revisions of old forms do not require new copyright
  - b. all new forms will need to be submitted to pro bono attorney to get copyright protection

K. Update on Eastern Montana Self-Help Law Project: Veazey

- 1. Project started about 18 months ago
- 2. computer workstations set up in Sydney and Glasgow; one in Miles City is temporarily closed but has been open off and on
- 3. open one day a week (about 5 in person consultations, 10 phone calls per week)
- 4. offers legal information not advice, no confidentiality, no conflict checking (disclaimer)
- 5. helps people who need additional assistance to get in touch with Legal Services
- 6. Veazey has been approached by other clerks not in the service area covered by the grant for help in setting up similar workstations, including Phyllis in Lewistown
- 7. Wants to keep Commission apprised – perhaps there is a role for the Commission in setting these up? Maybe a topic of discussion during retreat

L. Travel Expenses

- 1. Discussion: can Commission members be reimbursed for travel to Billings for the Equal Justice Conference and/or to Belgrade for the Commission's retreat?
- 2. Commission currently has no funding
- 3. Legislature passed a bill that provides no specific funding for this Commission, but does provide a pot of money for "other Commissions"
- 4. Meadows to discuss with Court Administrator, Jim Oppedahl, whether the Commission can get limited funding to help defray travel expenses for members to attend these events

M. Future Members

A brief discussion of potential future Commission members was had.

N. Upcoming meetings

- 1. June 16th Agenda items
  - a. Retreat preparations
  - b. Updates on clerk training sessions
  - c. Updates on format for approved forms
  - d. Summary dissolution forms/Pam Bucy?
- 2. No meeting to be held this summer

3. Retreat in Belgrade tentatively scheduled for September 28th—listserv discussion to follow